

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

001 DEFINITIONS

001.01 "Absence Without Leave" means the unauthorized absence of an employee from his place of duty during his normal duty hours.

001.02 "Adjustment of Pay" means a change in pay of an employee because of a revision of the pay schedule.

001.03 "Advancement in Pay" means an increase in the pay of an employee within the pay grade for his position.

001.04 "Service Date" is that chronological period in time that an employee completes a year or another year of service.

001.05 "Appointment" means the act of the Executive Secretary by which he fills a position.

001.06 "Board" means the Board of Educational Lands and Funds.

001.07 "Demotion" means changing an employee from one class of work to a different class of work at a lower pay rate.

001.08 "Discharge or Dismissal" means the disciplinary termination of employment of an employee for cause.

001.09 "Employee" means any person except the Executive Secretary in the employ of the Board who receives a salary or wage.

001.10 "Exempt Position" means a position excluded from the classified service.

001.11 "Executive Secretary" means the Administrative Head of the Board of Educational Lands and Funds.

001.12 "Interview" shall mean a meeting between a representative of the Board and a job applicant to determine whether or not an offer of employment should or should not be made.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

001.13 "Lay Off" means the involuntary termination (reduction in force) of an employee or employees because of lack of work, lack of funds or reorganization.

001.14 "Leave Without Pay" means leave or time off from work for the employee's personal reasons granted by the Executive Secretary for which period the employee receives no pay.

001.15 "Leave of Absence" means leave or time off from work granted by the Executive Secretary for military service, educational improvement or other reasons considered beneficial to the Board for which period the employee receives military leave pay, a stipend or receives no pay.

001.16 "Minimum Qualifications" means the least amount of training and experience and other qualifications required to perform adequately in a specific position or class of positions.

001.17 "Permanent Employee" means an employee in a regular full-time or part-time position who has completed the required probationary period or who has acquired permanent status in accordance with these rules.

001.18 "Position" means a group of specific duties, tasks and responsibilities to be performed by one employee; a position may be part-time, full-time, temporary, permanent or emergency, occupied or vacant.

001.19 "Position Description" means the summary of the actual duties and responsibilities assigned to the incumbent of the position.

001.20 "Probationary Period" shall mean a period of time during which and employee is required to demonstrate his fitness for a particular position as a part of the selection process.

001.21 "Professional Association" shall mean an organization in which individual membership is limited to persons who by virtue of their training or position are eligible to join for the purpose of mutually exchanging information, techniques, etc.

AUG 29 1963

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

001.22 "Promotion" means changing an employee from one class of work to another class of work at a higher rate of pay.

001.23 "Resignation" means the voluntary termination of employment by an employee.

001.24 "Retirement" means the transfer of an eligible employee from active to retired status.

001.25 "Reassignment" means the movement of an employee from one position to another position within an agency. A reassignment action does not require termination of the employee.

001.26 "Suspension" means an enforced leave of absence for disciplinary purposes or pending investigation of charges made against the employee.

001.27 "Temporary Employee" means an employee hired for a limited period of time to accomplish a specific task.

001.28 "Tenure" means the right to hold a position for the duration of acceptable performance and behavior.

001.29 "Tuition" shall mean the cost per credit hour of instruction at an accredited university or college.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

002 POSITION CLASSIFICATION

002.01 General

002.01A The Executive Secretary shall maintain a classification plan based on an analysis of the duties of each position within the Agency.

002.01B Written specifications shall be adopted and maintained for positions in the classification plan. Each specification shall define the position; describe the most typical duties and responsibilities of the position; and summarize the minimum standards of training, experience and other qualifications required for appointment. Duties described in the specifications shall not be construed to restrict the assignment of other similar duties.

002.01C The assignment of duties to a position, the location of work, equipment and tools furnished, schedule and working conditions shall be the responsibility of the Executive Secretary.

002.01D The Executive Secretary may when it is in the best interest of the Board waive or substitute for the minimum qualifications set forth in the written specifications of the classification and pay plan.

002.02 Addition of New Positions

002.02A Additional positions may be established by the Executive Secretary as necessary.

002.02B The Executive Secretary shall define and classify the new positions as provided in Rule A (2).

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

002.03 Revision of Existing Positions

002.03A When substantial change in duties, responsibilities and/or qualifications of an existing position have been made, the Executive Secretary shall reclassify the existing position to reflect the changes.

002.03B The Executive Secretary shall establish a rate of compensation commensurate with the duties, responsibilities and/or qualifications created by the reclassification.

002.03C The effective date of the reclassified position shall be established by the Executive Secretary.

002.04 Deletion of Positions

002.04A Vacant positions.

002.04A1 The Executive Secretary shall have the authority to delete any existing vacant position previously established by acting thereon.

002.04A2 The effective date of the deletion of the position shall be established by the Executive Secretary.

002.04B Filled positions.

002.04B1 The Executive Secretary shall have the authority to delete an existing filled position when said position can no longer be justified.

002.04B2 The effective date of the deletion of the position shall be established by the Executive Secretary.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

002.04B3 When a filled position is deleted, the incumbent may be reassigned, promoted or demoted by appropriate action in accordance with such further provisions as contained within these rules and regulations. In any case in which the incumbent is ineligible to be reassigned, promoted or demoted because of the deletion of his position the provisions of these rules and regulations regarding separation shall apply.

002.05 Classification Review

002.05A The Executive Secretary shall have the authority to review its position classifications at any time.

002.05B An employee of the Board may request a classification review of his own position at any time providing the position has not been reviewed within the previous six months. Said request shall be submitted to the Executive Secretary. The request shall be in writing and shall set forth the employee's reasons for requesting the reclassification.

002.05C The decision of the Executive Secretary shall be final regarding all requests for reclassification of positions.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

003 COMPENSATION

003.01 Pay Plan

003.01A The Executive Secretary shall have on file a pay plan setting forth the rates of compensation for all positions it maintains within the Agency.

003.01B Said pay plan shall be utilized as a guideline for hiring, promoting, adjusting or demoting new or existing employees. It is not intended that this pay plan be in any way binding upon the Executive Secretary; the sole purpose of said plan is to serve as a guideline.

003.01C The Executive Secretary may revise the pay plan when position changes, availability of labor supply, prevailing rates of pay or economic conditions so dictate.

003.01D All new employees will normally be hired at the hiring rate of the pay grade for their position except as authorized in Paragraph Five (5) of this Section or when the Executive Secretary deems it in the best interest of the trust to hire an employee at a level of compensation other than as set forth in the pay plan.

003.01E The Executive Secretary may, at its discretion, offer applicants who exceed the minimum qualifications for a position classification any step higher than the beginning step of the pay grade for that position depending upon the applicant's qualifications and the needs of the Board. Such beginning salary would affect that person only, and would not require any salary changes for other incumbents in the same class of position.

003.01F The Executive Secretary shall consider promotions or demotions. Said promotions or demotions may be determined and the new rate of compensation established depending on the circumstances. The decision of the Executive Secretary may be appealed to the Board by the affected employee in accordance with Section VI, Paragraph F.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

003.01G Any employee who returns from authorized military leave, or other authorized leave of absence, shall be paid at the same salary rate for which he would have been eligible had he not gone on leave.

003.02 Pay Advancements

003.02A A new employee who has performed in a satisfactory manner for a period of six months may be advanced to the minimum permanent rate of the pay grade for his position. Employees may be hired or promoted in excess of permanent rate. Said employees will serve a six month probationary period but will not receive a probationary increase other than cost of living increases or merit raises.

003.02B When the Executive Secretary considers an employee for a pay advancement, said advancement shall be without regard to economic conditions or cost of living factors. The purpose of the advancement shall be to reward an employee who has gained additional working experience or has performed in an exemplary fashion such as to warrant a pay increase.

003.02C The Executive Secretary shall in addition to pay advances prepare a proposal for a cost of living increase for all employees on or before July 1 of each fiscal year and shall submit the same to the Board for approval. The Board shall act upon the Executive Secretary's proposal by approving, disapproving, or amending the same.

003.03 General Pay Provisions

003.03A All rates of pay are based on a work year of 2080 hours. Employees starting work on a day other than the first day of a pay period or terminating on a day other than the last day of a pay period shall have their pay computed for the time worked during that pay period by multiplying the number of hours worked (including paid

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

holidays) by the hourly rate specified for their annual pay rate.

003.03B Provisions of this section pertain to all employees with the exception of the Executive Secretary and other individuals so determined by the Board. Levels of compensation for the Executive Secretary and other indicated individuals shall be determined without regard to any provisions contained within these personnel rules.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

004 PROBATIONARY PERIOD

004.01 Nature, Purpose and Duration

004.01A All employees shall serve a probationary period of six months. The probationary period may be extended not to exceed a maximum of twelve months on the written notification by the Executive Secretary to the employee. The probationary period shall be an essential part of the selection process and shall be utilized for the effective adjustment of a new employee and for the termination without recourse of any probationary employee whose performance does not meet the required standards.

004.02 Permanent Appointment or Termination

004.02A Permanent Appointment of a probationary employee shall begin following the date ending the probationary period.

004.02B If at any time during the probationary period it is determined that the services of the employee have not been of acceptable quality, the Executive Secretary shall so notify the employee in writing of the date his services are to be terminated. The termination notice shall be made a part of the official minute record of the Board.

004.02C If the Executive Secretary determines that the services of the employee have been acceptable, the appointment may become permanent and the employee is so notified.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

005 SEPARATIONS, SUSPENSIONS, TENURE AND REINSTATEMENT

005.01 Resignations To resign in good standing an employee must give the Executive Secretary written notice at least fourteen (14) calendar days prior to termination unless the Executive Secretary agrees to permit a shorter period.

005.02 Tenure The tenure of office of every permanent employee shall be during good behavior and acceptable performance of his duties as recorded in his performance reports and other records. This provision shall not, however, be interpreted to prevent the separation of an employee for those causes set forth in sub-subdivision 006.03A3, Section 06, or the separation of an employee because of a lack of funds or curtailment of work when made in accordance with these rules.

005.03 Demotion The Executive Secretary may demote a permanent employee for any of the reasons set forth in Section 06, sub-subdivision 006.03A3. A written statement setting forth the specific cause for which the Executive Secretary has so acted shall be presented to the employee and a copy placed in his personnel file.

005.04 Suspension

005.01A The Executive Secretary may, for disciplinary purposes, suspend without pay any employee for such length of time as the Executive Secretary considers appropriate not exceeding 20 working days in any twelve-month period for any of the reasons set forth in sub-subdivision 006.03A3, Section 06.

005.01B In the case of suspension, a written statement setting forth specific cause under which the Executive Secretary has so acted shall be presented to the employee and a copy filed with his personnel record.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

005.05 Dismissals

005.05A The Executive Secretary may dismiss any employee for any of the reasons set forth in sub-subdivision 006.03A3, Section 06. A written statement setting forth the specific cause under which the Executive Secretary has so acted will be presented to permanent full-time and permanent part-time employees fourteen (14) calendar days prior to the date the dismissal will become effective.

005.05B In extreme cases of flagrant violations which require immediate action, no prior written notice is necessary. In this event the employee so dismissed shall receive payment to and including the number of hours worked on the day of dismissal and such unused vacation leave as he may have earned during the current calendar year but he shall not receive additional pay in lieu of notice prior to the date of dismissal.

005.05C In all cases a written notice shall be prepared by the Executive Secretary and filed with the personnel file of the affected employee.

005.06 Retirement Retirement of State employees shall be governed by statute and the rules of the State Retirement Board.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

006 CORRECTIVE AND DISCIPLINARY ACTIONS

006.01 Corrective Actions

006.01A "Corrective Actions" are those which do not effect current pay, status or tenure and are administered to correct and improve an employee's job performance.

006.01B Corrective actions shall include written warnings, reprimands and censures. Corrective actions may be administered concurrently with a disciplinary action.

006.02 Disciplinary Actions

006.02A "Disciplinary Actions" are those actions which reduce or otherwise affect current pay, status or tenure and are administered to discipline an employee for an offensive act or poor job performance. Disciplinary actions may be administered concurrently with a corrective action.

006.02B Disciplinary actions shall include suspension, not to exceed twenty working days, demotion, reduction of pay to a lower step in the pay grade of his position, and dismissal. Suspended employees shall not be granted vacation, sick or holiday leave or unused earned compensatory time off while in a suspended status, nor shall they earn vacation, sick, or holiday leave credit during the period of suspension.

006.03 Reasons for Administering Corrective and/or Disciplinary Actions

006.03A General reasons for administering corrective or disciplinary actions shall include, but are not limited to the following:

006.03A1 Violation of, or failure to comply with, the State Constitution of Statutes, an executive order, or published rules and regulations of the Board of Educational Lands and Funds.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

006.03A2 Failure or refusal to comply with a lawful order or to accept a reasonable or proper assignment from an authorized supervisor.

006.03A3 Inefficiency, incompetency or negligence in the performance of duties.

006.03A4 Unauthorized possession of narcotics or other drugs and/or drinking alcoholic beverages while on duty.

006.03A5 Careless, negligent or improper use of State property, equipment or funds.

006.03A6 Use of undue influence to gain, or attempt to gain, a promotion, leave, favorable assignment or other individual benefit or advantage.

006.03A7 Falsification, fraud or omission of information in applying for a position.

006.03A8 Unauthorized or improper use of any type of leave.

006.03A9 Failure to maintain satisfactory or harmonious relations with the public or other employees.

006.03A10 Failure to obtain and maintain a current license or certificate required by law or the Board's standards as a condition of employment.

006.03A11 Failure or inability to complete a required training program which is a part of the job assignment.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

006.03A12 Conviction of a felony charged by a court of proper jurisdiction provided the employee is not placed on probation by the court.

006.03A13 Conduct unbecoming a state officer or employee.

006.03A14 Failure to make a reasonable provision for payment of just debts.

006.03A15 Repeated tardiness or absence without leave.

006.03A16 For other good and sufficient reasons, based on sufficient and competent evidence.

006.04 Administering Corrective and Disciplinary Actions

006.04A Responsibility to administer corrective and disciplinary action shall be vested in the Executive Secretary.

006.04B The decision to administer corrective or disciplinary actions shall be governed by the nature, extent, seriousness and effect of the act, error or omission; the type and frequency of previous violations; the period of time elapsed since a prior offensive act; and consideration of mitigating circumstances.

006.04C The Executive Secretary upon obtaining information which would indicate the possibility of administering corrective or disciplinary action, shall meet with the employee to verify the information and afford the employee the opportunity to refute the information or present mitigating evidence.

006.04D Based upon information and evidence presented and

the individual circumstances of the case, the Executive Secretary shall determine the appropriate action to be taken.

006.04E If a corrective action is administered, the employee shall be advised in writing of his error or failure, the corrective action he should take, the consequences he will face if he fails to follow corrective instructions. A copy of this notice shall be placed in the employee's personnel file.

006.04F If a disciplinary action is imposed, the employee shall be advised in writing of the specific details of the offense, the disciplinary actions being administered, why it is being imposed and, if appropriate, the corrective actions he should take and the consequences he will face for future violations. The Executive Secretary shall reduce its official action to writing for deposit in the employee's personnel file.

006.04G No derogatory record or comment may be placed in an employee's personnel file unless notice of such action is given in writing to the employee.

006.05 Appeals

006.05A An employee who is aggrieved as the result of the interpretation and/or application of the Board's rules and regulations, disciplinary action, alleged discrimination or unfair treatment or unsafe or unhealthy working conditions shall have the right of appeal to the Board of Educational Lands and Funds, meeting in regular session.

006.05B Initiation of an appeal from dismissal, suspension, or demotion, shall in no way affect the effective date of dismissal, suspension, or demotion.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

006.05C Employees who are dismissed without recourse during their probationary period of employment shall not have the right of appeal.

006.05D Should an employee be represented by an attorney in an appeal before the Board, any payment due the attorney shall be the responsibility of the employee.

006.06 Appeal Procedures

006.06A The employee shall first orally present his grievance to the Executive Secretary within ten days of the occurrence which caused the grievance. The Executive Secretary and grievant shall attempt to informally arrive at an answer within three working days. If the answer is not satisfactory to the grievant, the grievant shall reduce his grievance to writing and present the same to the Executive Secretary.

006.06B Upon a grievance being reduced to writing, the same shall be presented to the Board of Educational Lands and Funds at its next regular meeting. Said grievance shall become a part of the Board of Educational Lands and Funds regular agenda and shall be heard in open or executive session as the employee desires.

006.06C The grievant shall be given an opportunity to present arguments concerning his grievance to the Board.

006.06D The Board shall notify the grievant within ten days after its regular meeting of its decision concerning the grievance. This time may be extended by stipulation entered into between the Board and the grievant.

006.06E Upon notification by the Board to the grievant of its decision concerning the grievance, the grievant shall have the right of appeal from the decision of the

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

Board as provided under Section 84-917, R.S., Neb.
1943 (Reissue of 1971).

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Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

007 EMPLOYEE ABSENCES

007.01 Types of Leave The following types of leave are established and shall apply to all employees covered by these rules and regulations:

007.01A Paid Holidays

007.01B Vacation Leave

007.01C Sick Leave

007.01D Injury Leave

007.01E Military Leave

007.01F Civil Leave

007.01G Leave of Absence

007.01H Funeral Leave

007.01I Administrative Leave

007.02 Records to be Maintained

007.02A The Executive Secretary shall maintain a record of each employee accounting for time worked and all absences from work. The record shall include a compilation of (a) vacation leave earned, used and unused; and (b) sick leave earned, used and unused. Such records shall be maintained in the manner prescribed by the Executive Secretary and shall be documentary evidence to support and justify authorized absence from work with or without pay.

007.03 Paid Holidays

007.03A The following, and days declared by law or proclamation

APPROVED

ROBERT MASSIE
ATTORNEY GENERAL

BY: 
Assistant Attorney General

DATE: 

APPROVED

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JAY A. ORR, GOVERNOR

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

of the President or Governor, shall be paid holidays for all employees and shall be observed on these dates or days, or on such different dates or days as may be hereafter provided by law:

New Years Day	January 1
Martin Luther King, Jr. Day . . .	3rd Monday in January
President's Day	3rd Monday in February
Arbor Day	Last Friday in April
Memorial Day.	Last Monday in May
Independence Day.	July 4
Labor Day	1st Monday in September
Columbus Day.	2nd Monday in October
Veteran's Day	November 11
Thanksgiving Day.	4th Thursday in November
Day After Thanksgiving.	4th Friday in November
Christmas Day	December 25

007.03B When a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday.

007.03C Permanent full-time and permanent part-time employees who are required to work on a holiday shall be granted either compensatory time off or be paid overtime pay for the time worked in accordance with existing state or federal statutes.

007.03D Permanent part-time employees shall be eligible for paid holidays on a pro-rata basis provided that:

007.03D1 The holiday falls on a day he would normally have been scheduled to work; and

007.03D2 The pay or compensatory time off he receives shall be for the number of hours he would have been scheduled to work.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

007.03E Temporary employees shall not be eligible for paid holidays and if required to work on a holiday shall be paid for the time worked at their normal rate of pay.

007.03F If a holiday occurs while an employee is on Workmen's Compensation or other disability compensation, no credit for the holiday shall be allowed.

007.03G In order to receive pay for an observed holiday an employee must not have been absent without pay on the work day immediately preceding or following the holiday.

007.04 Vacation Leave

007.04A Board of Educational Lands and Funds employees shall during each year of continuous employment, be entitled to vacation leave with full pay based on the following schedule:

During 1st year of continuous employment
96 hours per year
During 2nd year of continuous employment
96 hours per year
During 3rd year of continuous employment
96 hours per year
During 4th year of continuous employment
96 hours per year
During 5th year of continuous employment
96 hours per year
During 6th year of continuous employment
120 hours per year
During 7th year of continuous employment
128 hours per year
During 8th year of continuous employment
136 hours per year
During 9th year of continuous employment
144 hours per year

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

During 10th year of continuous employment
152 hours per year
During 11th year of continuous employment
160 hours per year
During 12th year of continuous employment
168 hours per year
During 13th year of continuous employment
176 hours per year
During 14th year of continuous employment
184 hours per year
During 15th year of continuous employment
192 hours per year
During 16th year of continuous employment
200 hours per year
After 16th year of continuous employment
200 hours per year

007.04B Employees who are regularly employed less than forty hours a week shall be entitled to vacation leave proportionate to their regular work week.

007.04C For the purposes of this provision, an employee who has terminated his employment with any State Agency for any reason other than disciplinary and who returns to state employment with the Board of Educational Lands and Funds within one year from the date of termination shall have his service for vacation leave entitlement computed by combining prior continuous service with current continuous service.

007.04D The vacation leave account of each employee shall be balanced as of December 31 of each year. Each employee shall be entitled to have accumulated as of December 31 of each calendar year and carried forward into the next year such employee's earned vacation leave totaling 280 hours (35 days), or such greater amount as is hereafter permitted to be so accumulated and carried over by employees of those state agencies which are subject to the Nebraska Classified System Personnel Rules or its equivalent, plus

MAY 2 1990

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

any additional amount authorized by past or future specific action of the Board with the concurrence of a majority of its members. Earned vacation leave of any employee in excess of the amount so permitted to be accumulated and carried over shall be forfeited and lost by such employee as of December 31 of each calendar year. Any employee shall be entitled to use vacation leave as soon as it has accrued.

007.04E In special instances where because of exceptional workload or other meritorious reason, the Executive Secretary may allow an employee to carry over an additional forty hours of vacation leave.

007.04F Each employee, upon retirement, dismissal, or voluntary separation from the Board, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his beneficiary shall be paid for his unused accumulated vacation leave.

007.04G Temporary employees shall not earn, accumulate, or be granted vacation leave. Prior, current or future service performed in a temporary status shall not be considered in computing years of service for vacation leave entitlement.

007.04H Vacation leave must be applied for by the employee and may be used only when approved by the Executive Secretary, who shall designate such time or times when it will least interfere with the efficient operation of the agency. However, this action must not be arbitrary and he may not unreasonably defer the taking of vacation leave so that for all practical purposes the employee is derived of his vacation rights.

007.04I The Executive Secretary may at its discretion advance leave to an employee in an amount not to exceed that which the employee would earn during that calendar year.

007.04J Employees who have worked less than one full calendar year will earn vacation leave in an amount proportionate to the time worked during the calendar year.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

007.04K Vacation leave shall not accrue to an employee on leave of absence without pay, suspension or layoff.

007.04L Vacation leave shall be taken on normal work hour basis. Holidays falling within a period of vacation leave shall not be counted as work hours.

007.04M An employee who is eligible for retirement and who elects to receive payment for one-fourth of his accumulated unused sick leave upon termination or retirement from state employment and subsequently returns to state employment shall be considered a new employee without any prior service when determining entitlement to an accumulation of vacation leave.

007.04N An employee who leaves state service as a result of a bona fide reduction in force and later returns to state service as an employee of the Board of Educational Lands and Funds shall count prior continuous service in computing years of service for vacation leave entitlement.

007.05 Sick Leave

007.05A Permanent employees of the Board shall be entitled to sick leave with full pay computed at a rate of eight work hours per month for each calendar month of service. Those employees who have completed five or more years of service shall be entitled to sick leave in accordance with the following schedule:

During 1st year of continuous employment
96 hours per year
During 2nd year of continuous employment
96 hours per year
During 3rd year of continuous employment
96 hours per year
During 4th year of continuous employment
96 hours per year
During 5th year of continuous employment

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

96 hours per year
During 6th year of continuous employment
136 hours per year
During 7th year of continuous employment
144 hours per year
During 8th year of continuous employment
152 hours per year
During 9th year of continuous employment
160 hours per year
During 10th year of continuous employment
168 hours per year
During 11th year of continuous employment
176 hours per year
During 12th year of continuous employment
184 hours per year
During 13th year of continuous employment
192 hours per year
During 14th year of continuous employment
200 hours per year
During 15th year of continuous employment
208 hours per year
During 16th year of continuous employment
216 hours per year
During 17th year of continuous employment
224 hours per year
During 18th year of continuous employment
232 hours per year
During 19th year of continuous employment
and thereafter 240 hours per year

007.05B Employees who are regularly employed less than forty hours a week shall be entitled sick leave proportionate to their regular work week.

007.05C For the purpose of this rule, any employee whose employment has been terminated, for other than disciplinary reasons, and who returns to state employment within one year from the date of such termination shall have his service

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Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE

for sick leave entitlement computed by combining prior continuous service with current continuous service.

007.05D The sick leave account of each employee shall be balanced as of December 31 each year. Each employee shall be entitled to have accumulated as of December 31 of each calendar year and carried forward into the next year such employee's earned sick leave totaling 1440 hours (180 days), or such greater amount as is hereafter permitted to be so accumulated and carried over by employees of those state agencies which are subject to the Nebraska Classified System Personnel Rules or its equivalent, plus any additional amount authorized by past or future specific action of the Board with the concurrence of a majority of its members. Earned sick leave of any employee in excess of the amount so permitted to be accumulated and carried over shall be forfeited and lost by such employee as of December 31 of each calendar year. Any employee shall be entitled to use sick leave as soon as it has accrued.

007.05E All sick leave shall expire on the date of separation and no employee shall be reimbursed for sick leave outstanding at the time of termination, except as further provided herein. Each employee who is eligible for retirement under any existing state or federal retirement system shall, upon termination in good standing of his employment with the state by reason of retirement or voluntary resignation, be entitled to payment one-fourth of his accumulated unused sick leave, with the rate of payment based on his regular pay at the time of termination or retirement. Upon the death of an employee his beneficiary shall be paid one-fourth of his accumulated unused sick leave, with the rate of payment based on his regular pay at the date of his death.

007.05F A permanent employee who transfers from another state agency to the Board of Educational Lands and Funds shall have his accrued sick leave transferred to the Board.

007.05G Sick leave is defined to mean a period in which the employee is incapacitated for the

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[Signature]
AY A. ORR, GOVERNOR

APPROVED

ROBERT M. SPIRE
ATTORNEY GENERAL

BY *[Signature]*
Assistant Attorney General

DATE 6/6/90

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

performance of his duties by sickness or injury not arising from the course of his employment; or medical, surgical, dental or optical examination, or treatment; or when by reason of his exposure to contagious disease, his presence at his post would jeopardize the health of others; or when illness of, or injury to, a member of the immediate family residing in his household demands his presence.

007.05H Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and will be treated as such under these rules and regulations for sick leave.

007.05I Pregnant employees will be expected to work prior to childbirth as long as they are able to perform their normal duties or until their physician advises otherwise. They will be expected to return to work after childbirth, miscarriage or abortion as soon as they can be reasonably expected to perform their normal duties.

007.05J Sick leave may not be taken in advance except that the Executive Secretary may advance up to one year's sick leave entitlement to employees. Employees shall reimburse the State for all used unearned sick leave upon termination.

007.05K Sick leave shall be requested in advance whenever possible, i.e., dental appointments, physical examinations, etc. In the case of sickness, injury, emergencies or other absence not approved in advance, the employee shall advise his supervisor of the circumstances as soon as possible

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

and immediately upon return to work shall fill out a sick leave request form explaining the absence.

007.05L Sick leave shall be denied when the Executive Secretary has facts to show that an employee is abusing sick leave privileges.

007.05M Sick leave shall be taken on a working hour basis. Holidays falling within a period of sick leave shall not count as work hours.

007.05N Sick leave shall not accrue during leave of absence, leave without pay, suspension or lay-off.

007.05O If an absence because of illness or injury not arising from the course of employment extends beyond the sick leave accrued to the credit of a permanent employee, such additional time shall be charged to the vacation leave. If all accrued sick and vacation leave is used, the employee may be granted continued sick leave without pay at the discretion of the Executive Secretary. Included are absences caused by pregnancy, miscarriage, abortions, childbirth and recovery therefrom.

007.05P An employee who is eligible for retirement and who elects to receive payment for one-fourth of his accumulated unused sick leave upon termination or retirement from state employment and subsequently returns to state employment shall be considered to be a new employee without any prior service when determining entitlement to an accumulation of sick leave.

007.05Q For sick leave purposes a reinstated

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

employee is a new employee except as provided for by statutes and these rules and regulations. An employee who leaves the Board's service as the result of a bona fide reduction in force and later returns to the Board shall count prior continuous service in computing years of service for sick leave entitlement. An employee who has left the Board's service and returns within a year shall have reinstated to his sick leave account all earned sick leave not used at the time of his departure.

007.05R Temporary employees shall not earn, accumulate, or be granted sick leave. Prior, current or future service performed in a temporary status shall not be considered in computing years of service for sick leave entitlement.

007.06 Funeral Leave

007.06A Up to five days of funeral leave may be granted for funerals in the immediate family. For funerals of persons not in the immediate family, up to one day funeral leave may be granted at the discretion of the Executive Secretary. Funeral leave shall not be charged to sick leave or vacation leave.

007.06B Immediate family shall mean: wife, husband, children, parents, children-in-law, grandchildren, grandparents, brothers, sisters, brothers-in-law, sisters-in-law or persons bearing the same relationship to the spouse.

007.07 Injury Leave

007.07A All employees of the Board are subject to the provisions of the Workmen's Compensation

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

Act, and are entitled to the benefits of that law on account of injury or occupational disease arising out of and in the course of their employment.

007.07B Injury or occupational disease occurring out of and in the course of employment shall be reported to the Executive Secretary as soon as possible and the Executive Secretary shall fill out the reports necessary and supply needed information to the Secretary of the State Claims Board who will file the necessary reports with the Workmen's Compensation Court.

007.07C An employee entitled to be paid Workmen's Compensation for temporary disability shall be granted injury leave with full pay for the first five work days of such disability including the day of injury (if disability began that day). At the expiration of the injury leave, provisions of the Workmen's Compensation Act shall apply. Injury leave shall not be charged to vacation or sick leave.

007.07D An employee who is receiving Workmen's Compensation for an injury or occupational disease occurring out of and in the course of employment, shall have the option of electing to use his accumulated unused sick and/or vacation leave to supplement his Workmen's Compensation up to but not to exceed his regular rate of pay. Employees electing this option shall be charged sick or vacation leave in proportion to the amount of money paid by the Board.

007.07E Paid holidays falling within the period when an employee is being paid by Workmen's Compensation and is using sick and/or vacation

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

leave shall not be considered as a paid holiday.

007.08 Military Leave

007.08A All employees of the Board who are members of the following military units shall be granted military leave in accordance with Section 55-160 and 55-161 Reissue, Revised Statutes of Nebraska, 1943.

007.08A1 National Guard

007.08A2 Army Reserve

007.08A3 Navy Reserve

007.08A4 Marine Corps Reserve

007.08A5 Air Force Reserve

007.08A6 Coast Guard Reserve

007.08B All employees of the Board who leave a position other than temporary to undergo military training with the armed forces of the United States or undertake military duty in the active service of the state shall be entitled to receive the difference between their full state pay and their military pay and re-employment rights in accordance with Section 55-156.01 Reissue, Revised Statutes of Nebraska, 1943, as amended by the 1969 Cumulative Supplement thereto.

007.09 Civil Leave

007.09A An employee shall be given necessary time off without loss of pay when performing jury duty, performing emergency civilian duty in connection

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

with national defense or a national disaster, and subject to the provisions of Section 32-1046 R.R.S., 1943, not to exceed two hours for the purpose of voting. Civil leave does not include leave for military duty in connection with national defense, national disasters or civil disturbances.

007.09B When an employee is served with a notice to serve as a juror and does so serve, he shall be excused with pay while actually on order of the court and may also retain fees paid him as a juror.

007.09C When it is necessary that an employee appear in court, he shall be subpoenaed, unless he is required to appear in the normal course of his employment, and shall report receipt of the subpoena to the Executive Secretary. When an employee is subpoenaed, leave with pay will normally be granted.

007.09D An employee attending court as a party plaintiff or party defendant on a personal matter may elect to have such time charged to his vacation leave or may have a leave of absence without pay.

007.09E Board employees residing and voting in counties having Election Commissioners shall not serve as judges or clerks of elections.

007.10 Leave of Absence

007.10A The Executive Secretary may grant a permanent employee leave of absence for a period not to exceed one year when it is in the best interest of the Trust to do so.

007.10B The employee's request for leave of absence

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

shall be considered when he has shown by his record to be of more than average value to the Board and when it is desirable to retain the employee even at some sacrifice.

007.10C During an employee's approved leave of absence his position may be filled by employing a substitute for the period of incumbent's absence or by temporary reassignment of any qualified employee.

007.10D At the expiration of the leave of absence to the employee has the right to, and shall be reinstated to, the position he vacated or to a like position.

007.10E Approved leave of absence shall not constitute a break in service except that the State Employees Retirement Law shall govern as to the status of an employee's membership in the retirement plan.

007.10F Vacation and sick leave shall not accrue while on leave of absence; however, sick leave earned, but not used prior to leave of absence, shall be carried forward upon employee's return to duty.

007.11 Absence Without Leave

007.11A Absence by an employee from his place of duty not specifically authorized or covered by a:

- 1) Paid Holiday
- 2) Vacation Leave
- 3) Sick Leave

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

- 4) Injury Leave
- 5) Military Leave
- 6) Civil Leave
- 7) Administrative Leave
- 8) Leave of Absence
- 9) Funeral Leave
- 10) Compensatory time off

shall be charged as absence without leave.

007.11B Absences without leave shall be in a non-pay status and will be cause for reprimand, suspension without pay or dismissal at the discretion of the Executive Secretary.

008 PERFORMANCE REPORTS

008.01 General

008.01A The performance report program is designed to provide a channel of communication between the Executive Secretary and the employee. If conscientiously applied, the program will enable the employee to become increasingly aware of the importance of his job, his manner of performance and the level of performance the Executive Secretary expects. It will also inform him of areas of weakness, or of areas of praiseworthy performance. The report can be used as a guideline for considering employees for advancements in pay and promotion.

AUG 29 1987

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

008.02 Frequency of Reports

008.02A Annual performance reports shall be prepared on all permanent full-time and part-time employees on December 31 of each calendar year. Additional reports shall be prepared when the Executive Secretary desires to record instance of performance worthy of recognition, either favorable or unfavorable.

008.03 Rating Officials

008.03A Employees shall be rated by the Executive Secretary and other individuals so designated by the Executive Secretary.

008.04 Review of the Report

008.04A The Executive Secretary shall sign the report and file a copy thereof with the employee's personnel file.

008.04B The Executive Secretary shall discuss the report with the employee being rated, pointing out to him obvious weaknesses, strong points, etc.

008.04C The employee being rated shall indicate by signature that the report has been discussed with him. His signature does not imply that he agrees with the report. If the employee desires, he may submit a written statement that shall be attached to the report and become a permanent part thereof.

009 EMPLOYEE AIDS AND SERVICES

009.01 Types of Employee Aids and Services

009.01A The following employee aids and services are

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

established and shall apply to all employees covered by these rules and regulations.

- 1) Employee Tuition Assistance Program
- 2) Relocation Allowances
- 3) Memberships in Professional Association
- 4) Interview Expenses

009.02 Employee Tuition Assistance Program

009.02A Permanent full-time employees may enroll in an accredited university or college for a course of instruction that is significantly related to their job. The courses may be by correspondence or attendance at classes during working or non-working hours.

009.02B No more than six (6) semester hours credit may be carried per semester.

009.02C If employee requests to attend class during his normal working hours, he must arrange his work schedule so that he continues to work his normal number of hours per week, or he must use his earned compensatory or vacation time.

009.02D Employees successfully completing the course with a grade of "C" or equivalent shall, if funds are available, be reimbursed for 50% of the tuition cost. Tuition cost shall be the cost per credit hour and shall not include fees or the cost of books.

009.02E Employees eligible for reimbursement of tuition costs through other governmental programs are expected to avail themselves of these programs.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

If the cost of an approved course is more than the amount available from other sources, the Board may reimburse the employee for 50% of the difference.

009.02F Employees desiring to participate in this program shall apply in writing together with notification of acceptance from the university or college, to the Board through the Executive Secretary. Approval or disapproval by the Board shall be final.

009.03 Relocation Allowance

009.03A Permanent full-time employees relocated to another geographical area within the state for the benefit of the Board may be reimbursed for reasonable expenses incurred for the transportation of his household goods, family and himself.

009.03B Permanent full-time employees relocating to another geographical area of the state at their request and for their personal benefit shall not be reimbursed for expenses incurred.

009.03C The Board may reimburse a newly appointed employee for reasonable expenses incurred in relocating to his place of employment provided that the employee agrees in writing to remain in the employment of the Board for a period of one year. Termination for any reason not beyond his control shall be cause for him to reimburse the Board for relocation expenses.

009.03D Pay of relocation expenses shall not be made to any employee until, a receipted statement from the moving company and in case of a new employee a signed agreement to remain in the Board's employ for one year, are received by the Executive Secretary.

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

009.03E It shall be the responsibility of the Executive Secretary to establish agency procedures and policies necessary to administer the relocation of the Board's employees.

009.04 General

Expenditure of funds available for these programs shall be made only after the prior approval of the Board.

010. MISCELLANEOUS

010.01 Attendance

010.01A The Executive Secretary shall establish a work schedule for employees.

010.01B The Executive Secretary shall be authorized to formulate and issue rules and regulations covering special employment conditions.

010.01C The basic work week is forty hours.

010.01D The office hours shall normally be from 8:00 a.m. to 5:00 p.m., Monday through Friday. The normal work day shall begin at 8:00 a.m. and end at 5:00 p.m., with one hour lunch period to be established by the Executive Secretary between the hours of 11:30 a.m. and 1:30 p.m.

010.01E The normal work week shall begin at 8:00 a.m. on Monday and end at 5:00 p.m. on Friday.

010.01F The Executive Secretary may grant employees a rest period of twenty minutes each morning and each afternoon. These rest periods shall not be taken prior to 9:00 a.m. or after 4:00 p.m.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

010.02 Employee Personal Appearance

All employees shall maintain a high standard of dress and personal grooming at all times during working hours. Clothing shall be in good taste and reflect the pertinent working condition.

010.03 Prohibition of Discrimination

010.03A Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personal action, because of political or religious opinions or affiliations, or because of race or age or sex in conformity with applicable laws, or national origin or other non-merit factors, is prohibited.

010.04 Political Activity

010.04A All employees of the Board subject to the provisions of these rules and regulations are prohibited from holding office in any political party.

010.04B Employees are prohibited from participation in political activities during office hours or while otherwise engaged in the performance of official duties as employees of the Board.

010.04C Political activities not prohibited by law, such as the holding of strictly local non-partisan offices, are authorized except in instances where such activities may interfere with performance of assigned duties.

010.05 Overtime

010.05A Employees may be required to work more than forty hours in any week. Except as set forth in 2 and 3 below and when not otherwise provided for by

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

the Federal Fair Labor Standards Act, employees required to work more than forty hours per week in an emergency shall be granted equivalent (compensatory) time off or be paid a sum equivalent to one and one half times his hourly pay or his monthly pay prorated on an hourly basis for such overtime hours.

010.05B Granting of pay or compensatory time off for overtime accrued by the Executive Secretary shall be at the discretion of the Board.

010.05C Travel time to and from an employee's place of work, meetings, conferences, etc., shall not be considered overtime work unless otherwise provided by Federal statute. Compensation granted for such travel time shall be at the discretion of the Executive Secretary. This provision shall not affect entitlement to travel and expense allowance.

010.06 Outside Employment

A full-time employee, with the prior approval of the Board, may engage in outside employment or acquire private interest in business provided such employment interests do not interfere with efficient performance of his duties or conflict with the interest of the Board.

010.07 Records to be Maintained by the Board

010.07A The Board shall maintain the following listed personnel records:

- 1) Individual vacation and sick leave record.
- 2) Copy of each performance report.

AUG 29 1983

Title 97 - Board of Educational Lands and Funds
Chapter 2 - PERSONNEL AND ADMINISTRATIVE POLICIES

- 3) Copy of any corrective and/or disciplinary action correspondence.
- 4) Copy of any suspension notices.
- 5) Copy of any favorable communications including evidence of self-improvement efforts.
- 6) Copy of any unfavorable communications.

Chapter 2 (001-010.07A)- Nebraska Constitution, Article 7, Section 1
Section 72-201 Nebr. Rev. Stat.